

**REMARKS/ARGUMENTS**

This Amendment is submitted in response to the **final** Office Action dated May 5, 2008.

**I. Introduction**

Claims 1 and 33 have been amended. No new matter has been introduced. No claims have been added or canceled. Therefore, claims 1-10, 16-25 and 33-35 are pending in the application.

Claims 1-4 and 33-34 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,479,488 to Lennig et al. (hereinafter "the Lennig et al. patent").

Claims 5-10 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Lennig et al. patent in view of U.S. Patent No. 5,309,504 to Morgenstein (hereinafter "the Morgenstein patent").

Claims 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Morgenstein patent in view of U.S. Patent No. 5,199,062 to Von Meister et al. (hereinafter "the Von Meister et al. patent").

Claims 19-20 and 22-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Morgenstein patent in view of the Lennig et al. patent.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Lennig et al. patent and the Morgenstein patent, further in view of U.S. Patent No. 5,901,209 to Tannenbaum (hereinafter "the Tannenbaum patent").

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Morgenstein patent in view of U.S.

Patent No. 4,907,247 to Nomura et al. (hereinafter "the Nomura et al. patent").

As will be discussed below, none of the pending claims are anticipated or rendered obvious by the applied references.

## **II. Claims 1-4 and 33-34 are Patentable**

Claim 1, as amended, recites, inter-alia, the following features (emphasis added):

**operating a call processing device to provide an automated operator position identified by a first operator position identifier;**

**operating a telephone switch, coupled to said call processing device, to provide a call, requesting information, to the automated operator position identified by said first operator position identifier which is indistinguishable to the switch from a manned operator position identifier; and**

**ii. operating the call processing device to transmit a call transfer instruction to the switch to cause the switch to transfer the call to a manned operator position for additional call processing, the manned operator position being identified to the switch by a second operator position identifier;...**

The Examiner maintains on p. 2 of the Office Action that the Lennig et al. patent discloses these features.

First, there is no teaching or suggestion in the Lennig et al. patent of an "automated operator position identified by a first operator position identifier **which is indistinguishable to the switch from a manned operator position identifier**". There is also no reference or

suggestion of "the manned operator position **being identified to the switch by a second operator position identifier**". Even if it were argued that there must be an "inherent" position identifier in the Lennig et al. patent, there is no suggestion or reason to think that the "automated voice processing unit" would have an identifier "which is indistinguishable to the switch from a manned operator position identifier", because, again, it is **not an "operator position"**. None of the references, nor any combination of the references, teach or suggest the use of an "automated operator position identified by a first operator position identifier **which is indistinguishable to the switch from a manned operator position identifier**". As will be shown more clearly below, the Lennig et al. patent distinguishes its "automated voice processing unit" from its live operator positions (see, for example, 14a and 24 of Figure 2). There is no possibility that the switch/ACD would use an identifier for the automated voice processing unit which is "indistinguishable to the switch from a manned operator position identifier".

Further, the Examiner states that "the ACD serves as an automated operator position". This is not true. The ACD is a call distributor, not "an automated operator position". The Examiner goes on to state that the "call is switched to a **second operator position** [emphasis added]." This is also not true. The call is initially handled by an "automated voice processing unit" (col. 5, lines 20-21). Then, the processing unit will "hand the call off to a human operator" (col. 7, line 11). In any event, the "automated voice processing unit" is not an "**operator position**"; it is a processing unit within switch 1 (Fig. 1). By contrast, the operator positions

in the Lennig et al. patent are elsewhere, in the "OPR ACCESS FACILITY", connected to switch 1 over link 26 (Fig. 1).

The Examiner argues on p. 7 of the office action that the "automated voice processing unit" is an "operator position" by citing a definition of an "automated attendant". Regardless of the merit of that analysis, an "automated attendant" still does not equate to an "operator position" (see, for example, lines 12-16 of page 6 of Applicant's Specification).

For at least these reasons, **claim 1 is patentable over the cited reference.**

Claims 2-4, for at least the reason that they are dependent on allowable claim 1, **are patentable over the cited reference.**

Claim 2 recites the additional features of (emphasis added):

*wherein said call processing device is an operator workstation, the method further comprising the step of:*

*operating said call processing device to provide a manned operator position at the same time as it provides said automated operator position, the manned operator position being identified to the switch by a different operator position identifier than said first operator position identifier.*

The Lennig et al. patent does not teach or suggest its "automated voice processing unit" being "an operator workstation". Further, its "automated voice processing unit" does not provide "a manned operator position at the same time as it provides said automated operator position". As argued above, the "automated voice processing unit" is not "an

operator position", it doesn't "provide a manned operator position" (it only connects to one).

Finally, there is no "manned operator position being identified to the switch by a different operator position identifier than said first operator position identifier" in the Lennig et al. patent.

For at least these additional reasons, claim 2 is patentable over the Lennig et al. patent.

Claim 33, as amended, recites, inter alia, the features (emphasis added):

a call processing device including means for providing an **automated operator position identified by a first operator position identifier;**

a telephone switch, coupled to said call processing device, for providing a call requesting information, to the **automated operator position identified by said first operator position identifier that is indistinguishable to the switch from a manned operator position identifier;** and

ii. means for transmitting a call transfer instruction to the switch to cause the switch to transfer the call to a manned operator position for additional call processing, **the manned operator position being identified to the switch by a second operator position identifier;**

For the reasons stated above in relation to claim 1, claim 33 is patentable over the cited reference.

Claim 34, for at least the reason that it is dependent on allowable claim 33, is patentable over the cited reference.

### **III. Claims 5-10 and 35 are Patentable**

Claims 5-10, for at least the reason that they are dependent on allowable claim 1, **are patentable over the cited reference.**

Claim 5 recites the feature:

*including the step of transmitting data from the call processing device to the manned operator position over a data link, that is separate from the telephone switch, which couples the automated call processing device to the second operator position*

The Examiner acknowledges that the Lennig et al. patent does not disclose this feature, but cites the Morgenstein patent as teaching this feature, when combined with the Lennig et al. patent. There is no reason to combine the two references. The Morgenstein patent deals with received calls wherein "the calling party can enter his or her identification information" (col. 3, lines 4-6). This information can then be transferred to an operator over separate data lines (see Fig. 1). Since the Lennig et al. patent doesn't deal with "data", separate from the audio received from the caller", to be transferred to an operator's computer screen, there is no need for the Lennig et al. patent to incorporate such features from the Morgenstein patent. Further, even if there were such a desire, there is no teaching or suggestion as to **how** such a feature would be incorporated into the Lennig et al. patent.

Claim 6 recites the feature:

*wherein the transfer of at least some of the collected call related information is performed in response to a signal from the manned operator position.*

The Examiner acknowledges that the Lennig et al. patent does not teach this feature, but argues that the Morgenstein patent, when combined with the Lennig et al. patent, disclose this feature.

First, as described above, there is no reason to combine the two references. Further, there is no suggestion in the Lennig et al. patent of any situation wherein the operator would desire additional data input, and therefore no reason to "signal" for "the transfer of at least some of the collected call related information". And again, there is no suggestion on **how** such a capability would be incorporated into the Lennig et al. patent teachings.

For at least these additional reasons, claims 5 and 6 are patentable over the cited references.

#### IV. Claims 16-18 are Patentable

Claim 16 depends from allowable claim 1, and for at least the reasons argued above, **claim 16 is patentable over the cited references.**

Claims 17-18, for at least the reason that they are dependent on allowable claim 16, are patentable over the cited references.

#### V. Claims 19-20 and 22-25 are Patentable

Claim 19 recites the features (emphasis added):

*performing a directional information database look-up operation to determine a route from the location of the caller to the destination; and providing direction information to the caller.*

The Examiner does not cite any disclosures in either the Lennig et al. patent or the Morgenstein patent of "directional information", a "route from the location of the caller to the destination", or "providing direction information to the caller".

For at least these reasons, **claim 19 is patentable over the cited references.**

Claims 22-25, for at least the reason that they are dependent on allowable claim 1, are patentable over the cited references.

**VI. Claim 24 is Patentable**

Claim 24, as argued above, is patentable over the cited references. The Examiner further argues that the Tannenbaum patent, in combination with the Lennig et al. patent and the Morgenstein patent, renders claim 24 unpatentable. It should be noted that the Tannenbaum patent does not, nor does the Examiner argue that it does, supply any of the features of claim 1, from which claim 24 depends, that are missing from the Lennig et al. patent and the Morgenstein patent.

Therefore, claim 24 remains patentable over the cited references.

**VII. Claim 21 is Patentable**

Claim 21, as it is dependent from allowable claim 19, argued above, is for at least this reason, **patentable over the cited references.**

The Examiner cites the Nomura et al. patent, in combination with the Morgenstein patent, as rendering claim



21 unpatentable. It should be noted that the Nomura et al. patent does not, nor does the Examiner argue that it does, supply any of the features of claim 19, from which claim 21 depends, that are missing from the Morgenstein patent.

Therefore, claim 21 is patentable over the cited references.

#### **VIII. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance.<sup>1</sup> Accordingly, it is requested that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

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July 2, 2008

Date